

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**WPA 5095 of 2015
With
CAN 1 of 2015 (Old No. CAN 4736 of 2015
With
CAN 2 of 2019 (Old No. CAN 9164 of 2019)**

**Sakti Sadhan Paul and Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Samrendra Datta
Mr. Arun Naskar
Mr. Krishna Deo Das
Mrs. Sandhya Das Adhikari
..for the petitioners

Mr. Rezaul Hossain
..For the State

Item No.13

Heard & Judgment on: 15.06.2023

Bibek Chaudhuri, J.

Petitioners have claimed themselves as the legal heirs and representatives of one Nandalal Paul. It is the case of the petitioners that on 9th December, 1999 the Assistant Engineer, Public Health Engineering Department, Government of West Bengal, Uluberia Sub-

Division in the district of Howrah issued a notice to the said Nandalal Paul stating, inter alia, that a piece of land situated in Dag No. 1545 at Khatian No.437, J.L. No. 65 of Mouza Rajapur within P.S. Uluberia will be acquisitioned for public purpose for construction of water supply scheme in the said locality. Predecessor-in-interest of the present petitioners namely Nandalal Paul, since deceased, was requested to make arrangement by submitting a non-judicial stamp paper of Rs.10/- so that the cost of the land may be made as per existing Government rules.

It is the case of the petitioners that Public Health Engineering Department acquired the said land and took possession of the same but till date has not paid any compensation with interest in favour of the petitioners. It is submitted by the learned advocate for the petitioners that in course of hearing of the instant matter the State Respondent filed a letter bearing Memo No. 1021 /HD dated 14th March, 2023 to the petitioner requesting them to produce certain documents for ascertaining the amount of compensation with interest in accordance with the Land Acquisition Act. The learned advocate for the petitioners also submits that the petitioners have already handed over those documents to the concerned authority for consideration. On the last occasion when the matter was taken up for hearing on 30th March, 2023 a Co-ordinate Bench directed the State Respondents

to file a report stating the present situation regarding payment of compensation in favour of the petitioners. The Executive Engineer, Howrah Division, Public Health Engineering Department being the respondent No.2 has submitted a report through the learned Government Pleader stating, inter alia, that originally the land in question was recorded in the name of one Upendra Nath Pal and Shrimati Shantibala Dasi. The petitioners are claiming compensation in respect of the acquired land as legal heirs of Upendra Nath Pal. The State Respondents do not know as to whether Shrimati Shantibala Dasi is alive or not and secondly whether the said Shrimati Shantibala Dasi has any legal heir or not.

It is submitted by the learned advocate for the petitioners that Shrimati Shantibala Dasi has expired long ago and she had no legal heirs at present. It is also submitted by the learned advocate for the petitioners that said Shrimati Shantibala Dasi was the sister of Upendra Nath Pal. The petitioners are only entitled to get the entire compensation as per the present market rate with interest.

In view of such submission made by the learned advocate for the petitioners, the instant writ petition is disposed of directing the petitioners to file an affidavit stating devolution of right in respect of the land or the portion thereof which was recorded in the name of Shrimati Shantibala Dasi before the Executive Engineer, Howrah

Division, Public Health Engineering Department, respondent No.2 herein within 30 days from the date of this order. The respondent No.2 shall decide the lawful claimants who are entitled to get compensation in respect of the said land and the amount of compensation as per the present market rate along with interest as per the scheme contained in Section 23 of the Land Acquisition Act. The entire exercise shall be made within 60 days from the date of receipt of the original affidavit to be filed by the petitioners before the respondent No.2.

The parties are at liberty to act on the server copy of the order.

The instant writ petition is, thus, disposed of.

All the connected applications are also disposed of.

(Bibek Chaudhuri, J.)